



LICENSING COMMITTEE

Monday, 9th January, 2012

7.30 pm

Town Hall, Watford

Publication date: 20 December 2011

CONTACT

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Jodie Kloss in Legal and Property Services on 01923 278376 or by email to legalanddemocratic@watford.gov.uk (Minicom available on 01923 278499).

Welcome to this meeting. We hope you find these notes useful.

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COMMITTEE MEMBERSHIP

Councillor J Brown (Chair)

Councillor K Hastrick (Vice-Chair)

Councillors K Brodhurst, J Connal, K Crout, G Derbyshire, J Dhindsa, P Jeffree, C Leslie, M Mills, A Mortimer, F Qureshi, D Scudder, L Scudder and D Walford

AGENDA

PART A - OPEN TO THE PUBLIC

1. **APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **MINUTES**

To approve for signature the minutes of the meeting held on 29 June 2011.

4. **HACKNEY CARRIAGE VEHICLE SEATING CAPACITIES** (Pages 1 - 4)

Report of the Head of Environmental Services.

This report asks the Committee to ratify the decision of the Executive Director Services and to approve the continuation of the standard condition relating to hackney carriage seating capacities set out in appendix 1.

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*PART A

Report to: Licensing Committee
Date of meeting: 9 January 2012
Report of: Head of Environmental Services
Title: Hackney Carriage Vehicle Seating Capacities

1.0 **SUMMARY**

1.1 In July 2010, the Licensing Committee adopted new standard conditions relating to the seating capacities in hackney carriages, specifically smaller MPVs such as Vauxhall Zafiras. Difficulties in applying and interpreting those conditions led to confusion amongst officers, vehicle testing examiners and vehicle owners. Due to the need to provide immediate certainty to licence applicants, the Executive Director Services agreed to amend the conditions pending ratification by the full Licensing Committee.

2.0 **RECOMMENDATIONS**

2.1 That the decision of the Executive Director Services of 26 September 2011 be ratified, and that approval be given for the standard condition relating to hackney carriage seating capacities set out in appendix 1 to continue.

Contact Officer:

For further information on this report please contact: Jeffrey Leib, Licensing Manager, telephone extension: 8429, email: jeffrey.leib@watford.gov.uk.

Report approved by:

Alan Gough, Head of Environmental Services.

3.0 **DETAILED PROPOSAL**

3.1 The background to this report is set out at appendix 1.

3.2 The Licensing Committee will be aware that following email consultation with Members in September 2011, approval was given for the Executive Director Services to make an executive decision to amend the then-licence conditions. The Committee is now asked to ratify that decision. Officers can confirm that there have been no issues in interpreting this new condition since its' introduction.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 The Head of Strategic Finance comments that there are no financial implications arising from this report.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Legal and Property Services comments that there are no legal implications arising from this report. Drivers who are aggrieved by the conditions placed on their licence have the opportunity to appeal against them to the magistrates' court within 21 days.

4.3 **Potential Risks**

None identified.

Appendices

Appendix 1 – Briefing on vehicle seating capacities (26.09.10)

Background Papers

No papers were used in the preparation of this report.

File Reference

HCVL conditions

**DECISION REQUESTED TO CHANGE COMMITTEE POLICY ON LICENSED
VEHICLE SEATING CAPACITY**

ISSUE

Concerns about passenger safety and comfort in some multi purpose vehicles (MPVs) led to consideration of seating capacities. After consulting with drivers in the June 2010 newsletter, the licensing committee decided to change the licence conditions about seating capacities for vehicles licensed for the first time from August 2010 onwards.

A new condition was approved by the Licensing Committee on 5 July 2010 applicable to vehicles first licensed after 1 August 2010 that:

- 1 rear-seat passengers are able to use a door other than the driver's or front passenger door;
- 2 the vehicle can sufficiently accommodate a reasonable amount of luggage for each passenger that it is licensed for;
- 3 there shall be sufficient room between the seats to allow adequate room for the movement of passengers. These shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and there shall be 180 mm from the back of the front seat to the front of the rear seat when the front seat is fully pushed back
- 4 the arrangements of the seats shall be such that no person has to remove, push forward or dismantle any seat or other obstacle; nor should it be necessary to climb over any person being carried in the vehicle or require any person to leave their seat to allow anyone to enter or leave the vehicle.
- 5 if the seating arrangement does not allow free access to and from the vehicle then in the interests of public safety and comfort the Council will require as many seats as may be necessary to be removed or to licence a vehicle to carry fewer passengers than it has seats.

PROBLEM

It has become apparent that application of the condition is difficult, in particular inconsistencies in interpreting the rules when applying it to different models (or even later versions of the same model of car). This has led to confusion between both officers and garages who undertake the testing of the vehicles as well as misunderstandings by the trade. This has led to around 40 vehicles being issued with licences for six seats, for example, when strictly under the July 2010 conditions they should have been only licensed for five. When this became apparent and officers tried to remedy the situation, it became clear that the condition needed improvement to make it robust and achieve its original aim of ensuring sufficient safety and comfort for customers.

SUGGESTED SOLUTION

A meeting was held on 16 September 2011 attended by Shafiq Ahmed and Adil Butt from WHCDA, licensing team officers and garage representatives. It was agreed a sensible solution in future would be for multi-purpose vehicles (MPVs) with full-size fixed seating should be licensed for the relevant number of seats as determined by the suggested condition below (eg a Ford Galaxy with six seats would be licensed for six passengers). Small MPVs or family cars, where there are folding seats, would only be licensed for four passengers. This would be easier for all involved to interpret and apply but will still achieve the original aim.

The suggested condition would delete those above and read:

“The licensed vehicle shall carry no more passengers than can be seated in full-size, fixed seats, providing that:

- (i) rear-seat passengers are able to use a door other than the driver’s or front passenger door
- (ii) the vehicle can sufficiently accommodate a reasonable amount of luggage for each passenger that it is licensed for; and
- (iii) there shall be sufficient room between the seats to allow adequate room for the movement of passengers. These shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and there shall be 180 mm from the back of the front seat to the front of the rear seat when the front seat is fully pushed back.

For the purposes of this condition, the following will not be counted:

- (i) seats considered to be flip-up or folding seats (other than in London-style purpose-built hackney carriages)
- (ii) those considered by the Council’s officers to be unsuitable for the carriage of members of the public.”

As the next Licensing Committee with any amount of significant business is unlikely to be until January 2012, it is suggested the Executive Director agrees to this change in advance of a report to the Committee where proper consideration can be given. This extraordinary proposal is as a result of the significant disruption and difficulties being posed to both the council and the trade.

Jeffrey Leib
19 Sept 2011

PS:

Agreed to by Cate Hall (Executive Director Corporate Services) on 26/09/11 after email consultation with Licensing Committee, with no objections from Members.